

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANNETTE L. TURNER,

Plaintiff,

vs.

POWER SERVICES,

Defendant.

Case No. 2:11-cv-00190-PMP-PAL

ORDER

(Mtn to Re-serve - Dkt. #16)

This matter is before the court on Plaintiff Annette L. Turner's Motion to Have Power Services Re-served (Dkt. #16). Plaintiff states that on September 20, 2011, she submitted a USM Form 285 to the United States Marshal's Service ("USMS") to effect service on Defendant Power Services as instructed in the court's previous Orders (Dkt. ##8, 14). The USMS advised Plaintiff that it made two attempts to serve Defendant at the address provided by Plaintiff without success. *See* Return of Service (Dkt. #15) (noting that on September 23, 2011, Defendant's office was closed, and on September 29, 2011, Defendant's office appeared vacant). Since that time, Plaintiff has discovered where Defendant relocated its offices. She requests an additional opportunity to serve Defendant at its current address. While this matter was under submission, the 120-day period prescribed by Rule 4(m) in which Plaintiff was required to serve the Complaint and summons expired. Therefore, the court will grant Plaintiff an additional sixty days in which to effect service of process.

For good cause shown,

IT IS ORDERED:

1. Plaintiff's Motion to Re-serve (Dkt. #16) is GRANTED.

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2. The Clerk shall deliver a Summons directed to Defendant Power Services at the address listed in the Motion to Re-serve (Dkt. #16), Plaintiff's Complaint, and a copy of the Screening Order (Dkt. #8) to the USMS.
3. The Clerk of Court shall provide Plaintiff with a Form USM-285.
4. Plaintiff shall have twenty days in which to furnish the U.S. Marshal with the required Form USM-285.
5. Within twenty days after receiving from the U.S. Marshal a copy of the Form USM-285, showing whether service has been accomplished, Plaintiff must file a notice with the court identifying whether Defendant Power Services was served.
6. If Plaintiff wishes to have service again attempted on an unserved defendant, a motion must be filed with the court identifying the unserved defendant and specifying a more detailed name and/or address for said defendant, or whether some other manner of service should be attempted.
7. As the time for service pursuant to Rule 4(m) of the Federal Rules of Civil Procedure has already expired, Plaintiff shall have until **February 21, 2012**, in which to serve Defendant Power Services. Failure to comply with this Order will result in a recommendation to the District Judge that this case be dismissed.

Dated this 19th day of December, 2011.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE